In many western civilization classes, the Roman Empire plays a prominent part in the curriculum. It developed roads, standard weights and measurements, and, possibly more importantly, laws throughout Western Europe and beyond. In order to control a piece of real estate the size of the Roman Empire, it is necessary to have a centralized government capable of stating and enforcing international legislation. For the first few centuries of the Empire, the natives in each subject province followed their traditional laws, but official Roman regulations were spread by the military and the high-ranking senatorial class which dominated every area. In 212, the emperor Caracalla made every freeborn person in the Empire a Roman citizen, and thus subject to Roman law, instead of their own legal traditions.¹

When the Western Empire finally fell in 476, the Western provinces had theoretically been obeying Roman law for more than two centuries. In truth, many areas such as Gaul (modern-day France, Belgium, and parts of Germany), had been dominated by Germanic tribes for quite some time.² Some of these groups were allied with the Romans, but just as many were not, and it is doubtful that all of them were particularly conversant with Roman legal codes.

The Roman laws that the Germanic tribes of the late Western Empire were familiar with were compiled by the Eastern Emperor Theodosius II (ruled 408-450) and

were published in the *Theodosian Code* in 438. This compilation consists of excerpts of late antique law, or legislation from the reign of Constantine (306-337) to the year 437, and it was widely distributed through both halves of the empire. Since the *Theodosian Code* contains all the laws passed between Constantine and Theodosius, not just those still in use, one can see how legal attitudes changed over time.

By the early sixth century, three separate Germanic tribes in Gaul, the Visigoths, the Burgundians, and the Salian Franks, had written out law codes of their own, each displaying differing amounts of Roman influence. The Franks’ legislation has the fewest overt signs of Roman inspiration. It is generally accepted that the Salian Frankish king responsible for the code, Clovis (ruled c. 481/2—Nov. 511), had a great deal of help from Roman legal advisors when he was codifying his people’s traditions, but it is hard to say how many Roman customs made their way into the Salic law code. For one thing, the style of the Germanic code is completely different from the far more sophisticated, and often more complicated, Roman laws. The Clovis’ code, the *Pactus Legis Salicae*, resembles nothing so much as a list of crimes and their fines, since most forms of Frankish redress and punishment were monetary. The fine for an injury, insult, or theft was called the composition, the price of which depended on the severity of the crime. The payment for homicide was called the wergeld, or “man price,” which was determined by the person’s societal value. For example, the price for a freeman, which one can

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3 Stein, 28-29.
7 Drew, 24-25, 29-30.
8 Drew, 35-36.
assume was the standard wergeld value, was 200 *solidi*, or solid gold coins, while the wergeld for a childbearing woman was 600 *solidi*.\(^9\) She was needed to perpetuate the society, so her wergeld was much higher. The purpose of composition and wergeld was to prevent bloodfeuds, which still occurred in most Germanic societies.\(^10\) Unfortunately, there is no extant copy of the first version of this law code, and Clovis’ successors added to it in sections called the Capitularies. All the same, there are eighty-seven later manuscripts from which it is possible to reconstruct the original set of laws with reasonable accuracy.\(^11\)

This paper will try to discover how much Roman legislation influenced this Frankish code. In order to do so, it will compare Roman family law in late antiquity with its Frankish counterpart. Only Clovis’ original legislation is included in this study. The Capitularies would not provide much insight into the laws Clovis used to make his kingdom strong. This comparison between Frankish and Roman law will focus on women, children, and inheritance. Families generally function as microcosms of their societies. Studying the legal rights of women and the protections granted to children, one can see what their positions were in the culture, whether they were considered fully fledged people or just chattel. These definitions give valuable insight into the social structure of a given society. Comparing Roman family laws to Frankish legislation will show how Romanized, or not, Frankish society was at its most fundamental level. It should become clear that while Salic legislation does owe something to Roman precedents, Clovis codified essentially Germanic laws, thereby ousting important aspects of the former, Roman way of life in Gaul.

\(^9\) Drew, 104, title XLI.
\(^10\) Drew, 35-36.
\(^11\) James, 13.
Roman women were often put in the same legal category as minors. Both groups were legally inferior to men who had reached their majority, and they were under the protection and supervision of those males.\(^\text{12}\) While women could bring, and represent themselves in, civil cases, it was better if women appointed representatives, “so that women not rush irreverently into scorn of their matronly modesty (\textit{matronalis pudor}) on the pretext of prosecuting a lawsuit, and so that they not be compelled to be present at the gatherings of men or at trials.”\(^\text{13}\) They were not allowed to bring legal cases on anyone else’s behalf, either. Furthermore, women could not defend others in court. If a woman tried to defend her absent husband and she lost, the husband was allowed to appeal the case.\(^\text{14}\)

Frankish women were also listed in the same legislation as children. Title XXIV of the \textit{Pactus Legis Salicae} is called “On Killing Children and Women,” but there the resemblance with Roman law stops. The first crime addressed in the law is killing a boy aged twelve years or less, which cost 600 \textit{solidi}, or solid gold coins. This was 400 \textit{solidi} more than the typical, freeman wergeld of 200 \textit{solidi}. In other words, the boy’s social value is three times that of a freeborn man. This does not seem to be the case under Roman law, where the rights of freeborn males take precedence over most everything. In contrast, killing a free woman of child-bearing age does cost the same as killing a young boy: 600 \textit{solidi}. The price sinks back down to 200 \textit{solidi} after the woman is too old to

\(^{12}\) Grubbs, 60.\(^{13}\) Grubbs, 49.\(^{14}\) Grubbs, 62-63.
give birth, but this law still implies that, far from being inferior, women were actually worth more to Frankish society than men, even if it was only for their fertility.\footnote{Drew, 86, title XXIV}

A Frankish girl became a woman, and therefore capable of giving birth, at age twelve, the same age that a boy became a man. At this point, the girl’s wergeld jumped from 200 to 600 \textit{solidi} and she was able to be married.\footnote{Drew, 127, LXVe; 86, XXIV.} Girls also reached puberty at age twelve under Roman law, and that was the youngest age they could marry, as well. Marriages were extremely important social contracts in Roman society, and a young woman’s marriage was usually arranged by the head of her household, the \textit{paterfamilias}. A woman’s \textit{paterfamilias} had to consent to all of her marriages until she legally came of age on her twenty-fifth birthday, and due to the age difference between husbands and wives, not to mention the possibility of divorce, it was entirely possible for a woman to have several marriages before that day.\footnote{Grubbs, 104-105.} Breaking a betrothal agreement in late antiquity was a serious matter, usually leading to some type of litigation and financial penalties.\footnote{Grubbs, 110-122.} It was customary for future spouses to give each other gifts before the marriage, and prenuptial agreements were often written to determine who would get these gifts if the marriage fell through.\footnote{Grubbs, Judith Evans, \textit{Law and Family in Late Antiquity: The Emperor Constantine’s Marriage Legislation}, (Oxford, NY: Oxford University Press, 1995), 156-157.} If the betrothal itself was called off, though, Constantine decided that the family responsible for breaking the contract forfeited any right to reclaim its gifts and that it had to return any gifts received from the other family.\footnote{Grubbs, \textit{Law and Family}, 159-161.} Furthermore, Constantine decreed that there was no permissible excuse for breaking a betrothal contract because possible objections should have been examined ahead of time, and
bringing them up later on would only endanger a person’s ability to marry someone else.\textsuperscript{21} Unfortunately, if the man broke off the engagement, the woman’s honor and virtue were called into question regardless of what was or was not said. Such a blotch on her reputation could ruin all of her chances at a respectable match later on.\textsuperscript{22}

There were repercussions for breaking a betrothal in Frankish society, as well, though the punishment was far less complicated. To make composition for the insult to the woman’s honor, the man calling off the engagement had to pay 62.5 \textit{solidi} to the woman’s family.\textsuperscript{23} The possibility that the woman might call off the engagement is not expressed. It is possible that dealing with a recalcitrant woman belonged so firmly to the woman’s family that the king’s law did not feel the need to discuss it in most instances. Even were that not the case, the absence of female punishments in the law marks a huge difference between Frankish and Roman legislation. There is no official Frankish punishment for an adulterous wife, either. Title Fifteen, or, “Concerning Homicide or the Man Who Takes Another Man’s Wife While Her Husband Still Lives,” simply states that “He who secretly has intercourse with a free girl with the consent of both and it is proved against him...shall be liable to pay eighteen hundred denarii (i.e., forty-five \textit{solidi}).”\textsuperscript{24} The law does not even limit this punishment to adultery, just consensual sex with any free woman, and only the fornicating male’s penalty is listed.

This does not bear a great deal of similarity to Roman Imperial law. In the Republic, adultery was a private matter handled by the families of the parties concerned. It was in Augustus’ \textit{lex Julia de adulteriis}, issued c.18 B.C.E., that adultery became a

\textsuperscript{21} Grubbs, \textit{Law and Family}, 160.
\textsuperscript{22} Grubbs, \textit{Law and Family}, 161-163.
\textsuperscript{23} Drew, 126, LXVa.
\textsuperscript{24} Drew, 80, XV.
criminal offense. According to this law, the definition of adultery was a woman having extramarital sexual relations, though the same punishments applied when men had sex with any women of good status. The women lost a third of their property and half their dowry, the men were deprived of half their property, and both guilty parties were exiled to separate islands. Men who did not divorce adulterous wives were accused of pimping them, which opened them up to prosecution. This legislation was modified somewhat by Constantine, but remained the same in essentials.\textsuperscript{25}

The comparative lack of specific legislation in Frankish law does not mean that an adulterous woman was left unpunished. Like in the Roman Republic, her penalty was left to the discretion of her family. Her parents dealt with the issue if she was not married, and her husband if she was. A Frankish woman moved into her husband’s family when she married, as is proved by title XLIV, “Concerning the Widow’s Betrothal Fine.”\textsuperscript{26} In this law, a man who wanted to marry a widow had to pay her deceased husband’s family three \textit{solidi} and one \textit{denarius}, a silver or bronze coin, depending on the time period.\textsuperscript{27} If the woman still belonged to her natal family, than there would be no reason for her second husband to pay her first husband’s family for taking her. The woman’s natal family apparently had no say in the matter of her second marriage, though the courts had to approve the match.

In Rome, however, most women remained in the power of their \textit{paterfamilias} after marriage. The \textit{paterfamilias} was the oldest male antecedent on the father’s side, usually a grandfather or a father. A \textit{paterfamilias} had total power over all his offspring, male and female, and his sons’ children. While he was alive, none of these descendants

\textsuperscript{25} Grubbs, 83-85.  
\textsuperscript{26} Drew, 108-109, XLIV.  
\textsuperscript{27} James, 198.
could own property. Any money or land a descendant earned or inherited belonged automatically to the *paterfamilias*, who could then divide the property as he chose in his will, though every “child” in his power was expected to inherit. If there was no will, the property was divided equally amongst all his heirs, regardless of sex.\(^{28}\) After the death of their *paterfamilias*, male and female descendants became *sui iuris*, or legally independent. A *paterfamilias* could also legally “emancipate” his descendants with the same effect. Sons became *patresfamilias* over their own families and daughters were allowed more control over their own affairs. Prepubescent children, or boys under fourteen and girls under twelve, were given guardians, or tutors, in a system known as *tutela impuberum*. Tutors were usually the children’s nearest paternal male relative and their primary concern was to safeguard the children’s property until they reached puberty.

Children usually lived with their mothers, who had no legal power over them at all.\(^{29}\)

After reaching puberty, women in late antiquity who were *sui iuris* came under *tutela mulierum*, or the “guardianship of women.”\(^{30}\) These women needed their tutors’ consent for most of their financial affairs, from business matters to manumitting slaves and writing wills.\(^{31}\) Since women in Imperial Rome did not belong to their husbands’ families, they could not leave property to their spouses or children: property had to stay in their natal families, and those natal families paid for the women’s upkeep by providing them with dowries. Husbands used their wives’ dowries to offset the cost of matrimony, but in the case of a divorce, the money and/or property was returned to the woman and

\(^{28}\) Grubbs, 20-21.
\(^{29}\) Grubbs, 23.
\(^{30}\) Grubbs, 23-24.
\(^{31}\) Grubbs, 24, 106.
her family. 32 Women were also entitled to a share of the inheritance upon the deaths of their fathers, and this property was supposed to stay in the natal families as well. 33 “It appears that the original purpose of *tutela mulierum* was to safeguard a woman’s paternal inheritance in the interest of her father’s relatives, who would be her heirs when she died.” 34 The system of *tutela mulierum* was weakened over time by legislation until it disappeared into desuetude in the early fourth century. 35 Second century legislation began to allow women to pass property down to their children and let spouses leave each other property in their wills if they had no children. 36 Tutors were no longer needed to protect a woman’s property from her husband’s family, since that family now had a legal right to it.

Also by the fourth century, minors, or men and women under the age of twenty five, had to have a *curator minorum* to help them with their business affairs. 37 On the other hand, in 324, Constantine passed legislation allowing *venia aetatis*, or “indulgence of age,” be given to minors with *honestas morum*, or honorable character. 38 This law let women of eighteen years or older, and men twenty years or older, apply for the right to take care of their own property. “To receive this privilege, they had to provide proof of age and have their character vouched for by men of rank and reputation, apparently in a public assembly. But the emperor made a concession to young women: they did not have

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32 Grubbs, 92-97.
33 Grubbs, 95.
34 Grubbs, 24.
35 Grubbs, 43.
36 Grubbs, 40-41
37 Grubbs, 44-45.
38 Grubbs, 50.
to appear in public,” which could possibly damage the woman’s reputation for involving herself in men’s affairs.\footnote{Grubbs, 50.}

There does not appear to be any distinction between a minor and a prepubescent child in Frankish law, though individuals did belong to kin groups. It seems that a man could leave his kin group fairly easily. All he had to do was go to court, break four sticks of alder wood, and verbally repudiate his family.\footnote{Drew, 123, LX.} In so doing, he forfeited the right to claim inheritance from his family, and if a member of the family was killed he was not allowed a portion of the wergeld. When he died his estate went to the Frankish fisc, which also got the wergeld if he was killed. On the other hand, if a member of his kin group killed someone, he no longer had to help his relatives pay the composition, which was one of the main functions of the kin group. Title LVIII lists the members of the kin group in order of who had to help the killer pay. When the first family members on the list ran out of money, the next members had to chip in. The list ran: his mother and brother, his maternal aunt or her children, and, finally, his three closest family members on both the maternal and paternal sides.\footnote{Drew, 121-122, LVIII.}

This list clearly indicates that Franks did not just belong to their father’s families. Their maternal kin were at least as important as their paternal kin, and nowhere on the list does it say specifically that the father had to pay for his children’s crimes. A father and his family might receive some of the wergeld from a deceased offspring, provided that the deceased had no children of his own, but usually the mother’s family was just as important as the father’s.\footnote{Drew, 124, LXII.} This close connection of a Frank to his maternal kin was
reinforced by title LIX, “Concerning Allodial Lands,” which lists his next of kin in the event of his death. If he had no children, his property went first to his parents, then his siblings of both sexes, then his maternal aunts, then his paternal aunts, then whatever paternal kin that was closest. Maternal aunts inherited before the father’s family did. Children inherited equal shares of everything, regardless of sex, with the exception of terra Salica, or Salic land. This land was given to a Frank from a social superior and could only be inherited by males, because “these lands were granted normally in return for past or future services,” and “it would be expected that this land could only be inherited from someone who could render similar services.”

With the exception of Salic land, therefore, Frankish women inherited equal shares of their fathers’ property and had their own obligations to their kin, such as helping them pay composition and wergeld. Women also received property, a dos, or Frankish version of a dowry, when they married. This was not mentioned in the law as codified by Clovis: laws concerning the dos were added later, in the Capitularies. According to the Capitularies, women received gifts from their husbands-to-be before the wedding and also from their fathers. These gifts could not be alienated by her husband, and it is possible that she administered them without interference from her male relatives. She kept her property when her husband died, and, upon her death, it usually fell to her children, which would have been frowned on in early Imperial Rome.

Roman women throughout the Imperial period were also discouraged from having sexual relationships with slaves. As the Emperor Valetinian wrote in c. 366, “If desire has more value to a lustful woman than liberty, she has become a slavewoman not by

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43 Drew, 122-123, LIX.
44 Drew, 44.
45 Drew, 42.
war, not by payment, but by marriage (*conubium*), so that her children shall lie under the yoke of slavery. For it is clear that she, who regretted being free, wanted to be a slavewoman.”

In other words, a woman who was willing to lower herself enough to be a slave’s partner turned her back on everything that made her free, especially her family, which would not benefit from such a union. Women who only had affairs with their slaves fared even worse. The emperor Constantine decided c. 326-329 that, “If any woman is discovered to have dealings in secret with (her) slave, she shall undergo a capital penalty, and the worthless scoundrel is to be handed over to the flames....Also the children, whom she had from this union, shall remain in bare freedom, stripped of all marks of rank, nor will they receive anything from the woman’s property.”

In other words, the woman was killed, her lover burned to death, and her children, while free, were still relegated to the bottom of the Roman social ladder.

Women were not the only ones limited in their choices of marriage partners, and the list of prohibited unions grew in the late antique period. In 336 Constantine passed legislation forbidding men of senatorial status and other high positions from marrying, “a slavewoman or the daughter of a slave woman or his freedwoman or (the daughter) of a freedwoman...or a tavern-keeper or the daughter of a tavern-keeper, or a humble or despicable woman (*vel munili vel abiecta*) or the daughter of a pimp or a gladiator or a woman who has been in charge of publicly sold merchandise.”

All these women were considered prostitutes in the eyes of the law, and since they had no honor due to their position in life, they were not fit to marry men of high status. Children of these prohibited unions were considered illegitimate and inheritance laws fluctuated, some

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46 Grubbs, 177.
47 Grubbs, 178.
48 Grubbs, 166-167.
allowing them to inherit a portion of their father’s property, others not.\textsuperscript{49} The exceptions to this law were the offspring of slave women, who were always slaves and thus could not inherit.\textsuperscript{50} The children of concubines were also illegitimate, and the inheritance laws concerning them changed as well, some emperors going so far as retroactively granting legitimacy to the children if the man married his concubine after the fact, provided the woman was freeborn.\textsuperscript{51}

Concubines are not mentioned in Frankish law, but freeborn men who married slaves became slaves themselves.\textsuperscript{52} This law was included under a larger title concerning abduction marriage, which was quite interesting. If a girl was stolen from her house by three men, they each paid a composition of thirty \textit{solidi}. If there were more than three men, each of them paid five \textit{solidi}. Every man who carried arrows—in other words, came armed—had to pay an extra three \textit{solidi}. The mastermind of the operation, probably the man planning on marrying the woman, paid her family 62.5 \textit{solidi}, which seems to be the standard abduction fee. The price did not go up if the girl was in the king’s protection. If the abductor was the king’s servant or if he was half-free, the woman’s family got to keep him as a slave. If a man stole another man’s betrothed, he paid the man fifteen \textit{solidi} and the girl’s family 62.5. If the girl went willingly with any of these men, she lost her free status, just like a Roman woman. The last part of this law, however, might just be the most interesting. It states that if a man stopped a woman on the road as she was traveling to her wedding and raped her, he had to pay 200 \textit{solidi} (to

\textsuperscript{49} Grubbs, 168-170.
\textsuperscript{50} Grubbs, 174.
\textsuperscript{51} Grubbs, 170-171.
\textsuperscript{52} Drew, 77-78, XIII.
whom was unspecified), which was the wergeld of a non-childbearing woman.\textsuperscript{53} This might imply that not all abducted women were raped. On the other hand, it might indicate that raping a single woman and then marrying her was preferable to leaving her at the side of the road after her violation, and that the virginity of a free girl of marriageable age was worth the same as the wergeld of a freeman, all by itself.

This law, taken as a whole, is also very location specific. The abduction fee only qualifies if the woman was inside at the time of her capture. The only time the law applied outside of her home was when she was traveling to join her betrothed in marriage. The rest of the time, it seems, women could be abducted with impunity. Since they were not doing everything within their power to keep themselves safe, such as staying under the protection of their male kin at home, it was considered all right to abduct them.

Constantine had an even more cold-blooded opinion towards women who were married by abduction. He decreed in 326, that “If someone who has not previously made any agreement with a girl’s parents should seize her (when she is) unwilling or if he should lead her away (when she is willing)...the girl’s response shall be of no use to him according to the ancient law, but rather the girl herself shall be made guilty by association in the crime.”\textsuperscript{54} Basically, it did not matter whether or not the girl wanted to be abducted: the man kidnapping her was going to be punished by the law, and she would be punished too, simply for being kidnapped. Constantine then goes on to blame the abducted girl’s nurse, claiming that it was her bad advice and teaching that led the girl into the situation

\textsuperscript{53} Drew, 77-78, XIII.
\textsuperscript{54} Grubbs, 181.
to begin with. As a punishment, the Emperor ordered that the nurse’s mouth and throat be stopped up with molten lead.

In the third part of the abduction law, Constantine continued to show his lack of empathy for the abducted girl: “And if voluntary assent is revealed in the virgin, she shall be struck with the same severity as her abductor. Nor shall impunity be offered to those girls who are abducted against their will, since they too could have kept themselves at home till their marriage day and, if the doors were broken down by the abductor’s audacity, they could have sough some help from the neighbors with all their efforts. But we impose a lighter penalty on these girls, and order that only legal succession to their parents is to be denied.”

In other words, the abducted girl was not only guilty under the law, but she had to bear the same punishment as her abductor, even if she did not want to be kidnapped. If she had been at home when the kidnapping took place, her punishment was a little lighter, but she still could not inherit her parents’ property. The exact fate of the abductor and the “willing” girl was not stated, but it was probably some form of highly shameful death. Constantine’s son reduced it to simple decapitation in 349, but he left the other punishments stand.

Constantine not only blamed the kidnappers, girls, and girls’ nurses for abductions, but also the girls’ parents. He penalized them with deportation if they went along with the marriage after the fact. The abductor’s accomplices were also deported, and any slaves that were involved were burned to death. If, on the other hand, a slave stepped forward and informed on the girl’s parents, he was awarded with a higher status. Constantine clearly did not want the consent of the girl’s paterfamilias to be disregarded,

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55 Grubbs, 181.
56 Grubbs, 182.
even if the *paterfamilias* was willing to be forgiving. The Emperor probably wanted the authority of the head of the household to remain sacrosanct. After all, the *paterfamilias* was to his family what the Emperor was to the Empire, and that position was not to be taken lightly.

There were undeniable similarities between Roman and Frankish laws. In both systems, women were usually represented by men in all legal matters, though Roman women occasionally had the right to speak for themselves. Protecting the family was the duty of every responsible man, and men who broke betrothal contracts were punished, usually monetarily. Adultery was punished in both societies. Frankish and Roman women inherited property from their fathers, usually in equal shares with all of their siblings, male and female. The age of female puberty was always twelve, and women had to zealously protect themselves from abduction. Under no account were they to marry slaves.

Despite all this, the family structures of both societies were extremely different. Most of the similarities are superficial, and the underlying foundations of Frankish and Roman families were quite distinct. In Rome, women always belonged to their father’s family, and even after they became legally independent they had curators, tutors, and other guardians to make sure they did not splurge their natal families’ property. Frankish women, however, passed into their husbands’ power, and they were probably free to do with their property as they wished. There was no elaborate system in place to keep Frankish women from squandering their own property. Furthermore, Frankish children belonged to both their maternal and paternal kin, and they inherited property and
obligations from both sides of the family. Roman children belonged exclusively to their father’s family and it was centuries before they could inherit anything from their mothers, which seems to have been a cornerstone of Frankish society from the beginning. Frankish men could leave their kin group but Romans of both sexes had to be emancipated by their paterfamilias, and even then they were still members of the family.

Not only family structure, but also punishments for various crimes differ between the two societies. Adultery may have been taboo to both cultures, but while Roman law was extremely harsh to jeopardized women, Frankish law was silent on the subject, leaving the punishment up to the women’s families. This same silence is present for all crimes that might be committed by women, since Frankish laws deal almost exclusively with offenses perpetrated by men. The prevailing sentiment was probably that heads of families could deal with their female dependants as they saw fit, and the acts of women were not important enough to call the attention of the state. Roman law also stressed the importance and dominance of the head of the family. Constantine’s law concerning abduction marriage is just one example: the paterfamilias’ consent to a marriage must be obtained, even if he might have been willing to forgive an abduction marriage after the fact, and if this was not complied with, anyone who could possibly be blamed was harshly punished, including the girl’s paterfamilias. Frankish law was not nearly this harsh in the matter of abduction marriage, and no punishment for an abducted woman was mentioned at all. Abduction was not the ideal method of contracting marriage in Frankish society, but it was still valid, whereas in Roman society, everything about it was utterly repugnant.
Even the styles of the Frankish and Roman legal codes are different. Roman laws are formal, sophisticated, and often based on centuries of researched precedent. They not only state laws, but explain the reasoning behind them. The Frankish code, on the other hand, is a list of crimes and fines with occasional pieces of protocol added.

Far more research remains to be done on this subject. Taking a close look at ecclesiastical law could only be beneficial, as well as comparing the relative status and treatment of Roman and Frankish slaves. As it stands, though, there can be no doubt that Clovis’ laws were Germanic: they governed Frankish families in a Frankish kingdom, even if it did bear some slight resemblance to Rome.
Works Cited


